

PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 06-3098, 06-3099, 06-3195, 06-3202, 06-3212 and 06-3213

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UNITED STATES OF AMERICA,

Appellant in No. 06-3195

v.

CYRIL H. WECHT,

Appellant in No. 06-3098

WPXI, INC.,

Intervenor

Appellant in Nos. 06-3099  
and 06-3202

PG PUBLISHING CO. D/B/A THE PITTSBURGH POST-  
GAZETTE,

Intervenor

Appellant in Nos. 06-3212  
and 06-3213

TRIBUNE-REVIEW PUBLISHING CO., and  
HEARST-ARGYLE STATIONS, INC. D/B/A WTAE-TV,

Intervenors.

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On Appeal from the United States District Court

for the Western District of Pennsylvania  
(D.C. No. 2:06-cr-00026)  
District Judge: Honorable Arthur J. Schwab

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No. 06-3704

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IN RE: DR. CYRIL H. WECHT

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On Petition for Writ of Mandamus  
Related to Western District of Pennsylvania  
D.C. No. 2:06-cr-00026  
District Judge: Honorable Arthur J. Schwab

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Argued September 12, 2006

Before: FUENTES, FISHER, and BRIGHT,\* Circuit Judges.

( Opinion Filed April 12, 2007)

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\* Honorable Myron H. Bright, United States Court of  
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ORDER AMENDING OPINION

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FUENTES, Circuit Judge.

IT IS NOW ORDERED in the above captioned case be amended as follows:

Footnote 9 shall now read:

This holding applies to the local rules of all the district courts in our Circuit. Presently, Local Rule of Criminal Procedure 53.1 in the Eastern District of Pennsylvania contains a “reasonable likelihood” standard. The Middle District of Pennsylvania, in Local Rule 83.2, and the District of New Jersey, in Local Rule of Criminal Procedure 101.1, already have a “substantial likelihood” of material prejudice standard, as does the District of the Virgin Islands, where Local Rule of Criminal Procedure 1.2 incorporates Local Rule of Civil Procedure 83.2 which adopts the ABA’s Model Rules of Professional Conduct. The District of Delaware appears not to have a local rule governing attorney communications in criminal cases, though a Local Rule of Civil Procedure 83.6(d)(2) does adopt the ABA’s Model Rules of Professional Conduct for civil proceedings.

The following changes shall be made to footnote 12:

“forty-nine” shall be changed to “fifty”;  
“forty-three” shall be changed to “forty-four”;  
“Thirty-six” shall be changed to “Thirty-five”; and  
“, including the three rules in Pennsylvania,” shall be deleted.

At the top of page 19, the sentence beginning with “Moreover, the changes . . .” shall be deleted and replaced with:

Moreover, as a result of the changes we impose, district courts in our Circuit will now apply the same trial publicity standard, one that is also consistent with the rules of the Commonwealth of Pennsylvania and the States of New Jersey and Delaware.<sup>13</sup>

/s/ Julio M. Fuentes  
Circuit Judge

DATED: July 2, 2007

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